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General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Papua New Guinea: draft resolution

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2013 relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Recalling the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia, submitted to the Human

[1] To be issued as *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 23* (A/68/23), chap. [ ].

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Rights Council at its eighteenth session, held from 12 to 30 September and on 21 October 2011,[2] following his visit to the Territory in February 2011,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

Recalling, in this regard, the conclusions of the eighteenth Melanesian Spearhead Group Leaders Summit, held in Suva on 31 March 2011, in particular the recommendations for the annual monitoring and assessment of the Nouméa Accord,[3]

Welcoming the exchange of letters between the Department of Political Affairs of the Secretariat and the Melanesian Spearhead Group secretariat on the sharing of information on New Caledonia,

1. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord,[3] which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, within the framework of the Nouméa Accord, their dialogue in a spirit of harmony, and, in this context, welcomes again the unanimous agreement, reached in Paris on 8 December 2008, on the transfer of powers to New Caledonia in 2009;

3. *Notes* that, at its tenth meeting, held on 6 December 2012, the Committee of Signatories of the Nouméa Accord approved the programme of work for 2013 of the steering committee on the institutional future of New Caledonia, which covered sovereign powers and the legal framework for the final phase of the Nouméa Accord, and requested the mission responsible for considering the institutional future of New Caledonia to create model simulations of the various major hypotheses for the institutional future of New Caledonia and to map the exercise of sovereign powers according to the major options that could be envisaged depending on the outcome of the referendum held pursuant to the Nouméa Accord;

4. *Also notes* that, at the tenth meeting of the Committee of Signatories of the Nouméa Accord, participants expressed the view that greater support from the administering Power was needed, especially in areas that were both essential and highly technical, and that, to that end, an interministerial standing committee was established;

5. *Further notes* that, at its tenth meeting, the Committee of Signatories of the Nouméa Accord, inter alia:

(a) Decided to establish a working group within the steering committee to assess progress under the Nouméa Accord, in order to reflect on ways to reconcile realignment among provinces, economic development, infrastructure levels and geographical distribution of the population, and that the outcome of the deliberations of the working group would be presented in September 2013;

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[2] A/HRC/18/35/Add.6, annex.

[3] A/AC.109/2114, annex.

(b) Welcomed the conclusion of the analysis and discussion relating to the development of an industrial strategic framework and the nickel industry during the meeting of the industrial strategic committee held on 21 November 2012;

(c) Noted the concern expressed regarding security problems in the Territory, and took note of the pledge made by the administering Power to focus on ensuring an adequate presence of public security forces, strengthening the recruitment of New Caledonians and supporting initiatives by the institutions of the Territory relating to crime prevention and social cohesion;

(d) Urged all stakeholders to implement the recommendations made in the assessment report on the "Cadres for the Future" programme, with a view to redressing the geographical imbalance and implementing a strategic shift designed to ensure training to fill the posts created as a result of the transfer of powers, as well as senior posts in the private sector;

6. *Takes note* of the decision to present and implement, in 2013, concrete measures to ensure significant progress in the representation of New Caledonians, especially Kanaks, in the performance of the sovereign functions of the State civil service;

7. *Also takes note* of the information presented to the 2013 Caribbean regional seminar, held in Quito from 28 to 30 May, to the effect that preparations for the referendum on self-determination to be held between 2014 and 2018, namely, the completion and review of the electoral rolls constituting the special electorates, were currently under way;

8. *Notes*, in this regard, the concern expressed by members of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples participating in the 2013 Caribbean regional seminar regarding the problems recently encountered in the electoral review process;

9. *Reaffirms* its resolution 67/125 of 18 December 2012, in which, inter alia, the General Assembly reaffirmed that, in the absence of a decision by the Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

10. *Recalls* the continuing concerns expressed by the Kanak people regarding their underrepresentation in governmental and social structures, incessant migratory flows and the impact of mining on the environment;

11. *Also recalls* the observations and recommendations contained in the report of the Special Rapporteur on the rights of indigenous peoples on the situation of Kanak people in New Caledonia,[2] made in the light of relevant international standards, to assist with ongoing efforts to advance the rights of the Kanak people in the context of the implementation of the Nouméa Accord and the United Nations-supported decolonization process;

12. *Notes* the financial assistance rendered by the Government of France to the Territory in such areas as health, education, payment of public-service salaries and funding of development schemes;

13. *Also notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, including the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

14. *Welcomes* the cooperation among Australia, France and New Zealand in terms of surveillance of fishing zones, in accordance with the wishes expressed by France during successive France-Oceania Summits;

15. *Recalls* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, and notes the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund;

16. *Notes* the second visit to New Caledonia, conducted from 13 to 18 August 2012, by the Melanesian Spearhead Group high-level ministerial mission;

17. *Welcomes* the decision of the Melanesian Spearhead Group to appoint the Front de libération nationale kanak socialiste as its next Chair and the opening, in February 2013, of the Front de libération nationale kanak socialiste Unit at the headquarters of the Group secretariat in Port Vila;

18. *Acknowledges* the contribution of the Jean-Marie Tjibaou Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

19. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

20. *Also welcomes* the appointment, in April 2012, of the first delegate for New Caledonia at the Embassy of France in New Zealand, in accordance with the convention, signed on 26 January 2012, relating to the hosting of New Caledonian delegates in the French diplomatic and consular missions in the Pacific region;

21. *Further welcomes* the actions taken by the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter;

22. *Notes* the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

23. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

24. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its sixty-ninth session.